



GUIDE TO LOCAL LAND USE PLANNING FOR AGRICULTURE OPERATIONS

Introduction and Overview

Counties are seeking guidance on how to update their zoning ordinances to provide for strategic growth of agricultural production while minimizing conflicting land uses. Therefore, one of the first initiatives of Indiana Land Resources Council (ILRC) was to look into agricultural zoning issues.

Livestock facilities in Indiana may be subject to one of two environmental regulatory programs administered by the Indiana Department of Environmental Management (IDEM). Some operations do not fall within the parameters of either permitting process.

The ILRC voted at their March 2007 meeting to recommend three model regulations included in this document for consideration by Indiana counties after considerable discussion, three public listening sessions, and further discussion within the Council. In developing these recommendations, ILRC researched how certain Indiana counties as well as counties in other states have developed their zoning ordinances to minimize conflicting uses and ensure that agriculture remains a strong component of the county's economy. An analysis of university research on agricultural production practices and odor assessment tools was also conducted.

Once the model ordinances were drafted, ILRC and the Indiana State Department of Agriculture (ISDA) hosted three Listening Sessions across the state. More than 200 interested citizens attended the listening sessions and approximately 100 comments were received. After reflecting on the public's input, the Council revised their recommendations, posted the ordinances for a second round of public comment and made further revisions prior to final approval of the ordinances. In addition, the council is making available a Regulatory Guidance document that summarizes state and federal regulation for livestock and highlights many of the major components which seem to draw the most questions and concerns.

The Council recommends these models with the following comments, conditions and limitations:

1. Land-use control in Indiana is a local function. In recommending these models, the Council intends to offer a resource to assist Indiana counties, not to preempt the local power and duty to set land-use policy.
2. The three models represent three different approaches to regulation. They are not specifically "alternatives," because it may make sense to use a combination of two of them; on the other hand, it is unlikely that any county would find it useful to adopt all of them.
3. The models contain specific standards, including distances and dimensions. The Council believes that these standards are reasonable, based on the planning, scientific, regulatory and other information available to the Council. The regulatory approach set forth in each model is far more important than the details included in the model.

4. In recommending these models, ILRC believes that all stakeholders in Indiana's rural areas are better off with a system that provides certainty about what is and is not allowed than with a system in which land-use and the extent of regulation of that use evolves from case-by-case negotiations.

Model Ordinance Concepts

The ILRC considered several potential models to develop in depth and decided to focus on three agricultural zoning concepts. These recommendations are based on the following set of principles that are fundamental to effective agricultural zoning regulation:

- Focus on traditional zoning functions and coordination with state regulation
- Lay a solid planning foundation
- Emphasis on public input
- Impose objective, science based standards
- Be proactive rather than reactive
- Use of density measures to minimize conflicting uses
- Notification as a component of rural residential development
- Requirements for non-conforming uses
- Allow for sufficient flexibility to be adapted to regional and county needs

The ILRC recommends the following models as guidance tools for counties during the process of revising their zoning ordinance:

Multiple Agricultural Districts. The multi-tiered agricultural zone structure is a division of land currently zoned agricultural to reflect different types of modern agriculture. When there are proactive determinations made regarding where certain types of agriculture will occur, it offers residents moving into an agricultural zone greater predictability of the types of agriculture that will occur nearby. It also clearly indicates to producers where their type of agricultural business is welcome and supported by local planning policies.

Site Scoring System. The site scoring system is a mechanism to approve local application for a new livestock facility through achievement of a predetermined score based on a series of objective criteria. The score requirement is used in conjunction with minimal setbacks. This approach recognizes the difference in farms by providing many options to meet the minimum score.

Limited Use with Development Standards. In a limited use approach, objective development standards are set forth within the zoning ordinance as conditions to a permitted use rather than having a special exception process for new agricultural operations. This approach provides an applicant with clear guidance on what is expected from the plan commission to receive local approval. These standards should be science based, such as using proven odor abatement measures as an option to reduce a maximum separation distance.

**The complete set of documents can be found on ISDA's website at www.in.gov/isda
Click on "Indiana Land Resources Council Model Ordinances"**